

Note: This comment was originally sent on November 11, 2002, Confirmation number 20021110053923. The sender inquired as to why the comment was not on the website, and was informed that the ECFS website was not operational for a few days in November, and this was why the comment did not appear. The sender was advised to send this comment again with this note.

COMMENTS

In the Matter of

Rules and Regulations Implementing the) CG Docket
Telephone Consumer Protection Act of 1991) No. 02-278

Paragraph 14

The Company-specific do-not-call approach should have been adequate had it been voluntarily honored by the specific companies, or had the TCPA provided an adequate consumer enforcement procedure; however it has been my experience, documented by records, that at least 90% of the calling companies have failed fully to comply, either by calling again one or more times after a request to be put on do-not-call list, by failure to furnish a copy of their no-not call policy, or by failure to appropriately identify themselves and conform to the requirements of the Act in the call.

Paragraph 17

I am not personally interested in having the companies place a further burden on their 'victims' by furnishing toll-free numbers to call or web sites to access to get placed on a do-not-call list. It should continue to be each company's responsibility immediately to place the consumer's telephone number on their do not call list and not require any more effort on our part.

As to whether the companies should be required affirmatively to respond in some way to verify that requests have been processed, the request for a copy of their do-not-call policy is some confirmation that they are conforming to requests.

It has been my experience that it has been the companies who have sent copies of their do-not call policies who have actually never called again.

Paragraph 20

I personally have no problem with receiving calls about a different service or product from a company I have an already-established business relationship with, especially when I could expect them to conform to a subsequent request to limit future calls to a particular area of business.

Paragraph 25

I would like to see the Commission adopt rules that would prevent any one except people I choose to give my fax number to from knowing that that number is a fax line. I'm not paying for a special fax line to enable companies to deluge me with unwanted commercials.

Paragraph 26

My choice would be not to allow predictive dialing beyond the capacity of telemarketers to be available immediately when the phone is answered.

My strong preference is that telemarketers not be allowed to block caller ID information. If they are going to aggravate us with unwanted dead air, at least let us know who it is that is aggravating us so we can make an appropriate choice as to whether ever to do business with such a company.

Paragraph 27

I am personally more frustrated with dead air calls than with any delay in response to having answered the call. With unidentified dead air calls we are left to speculate whether it is a telemarketer or a prospective burglar trying to determine whether anyone is home.

Paragraph 28

My experience is that far fewer than half of telemarketing calls comply voluntarily with these identifying requirements, although the majority will reluctantly give the information when it is specifically asked for

Paragraph 29

Yes, I would like to see the Commission interpret "receiving the call" to be when the consumer answers the call, for purposes of determining whether the caller is complying with the rules; however it would be an empty requirement so long as the caller is able to hide behind blocked caller ID.

Paragraph 31

Calls offering "free" goods or services are generally made for the purpose of attracting future business and are just as time-consuming and annoying as those proposing an immediate transaction of some kind.

Paragraph 32

Commercial "freedom of speech" may be free to the telemarketer when I am the one paying the bill for the telephone he calls, but that is not the purpose for which I subscribe to a telephone.

Paragraph 34

If a business tries to take advantage of the "business relationship" exception, the customer should be capable of telling them to restrict future calls to whatever limits the customer wishes to impose. This seems to be an area that can be so easily handled by the consumer as not to require further regulation.

Paragraph 47

Until telemarketers who willfully violate the simple provisions of the TCPA are consistently sanctioned, they have demonstrated that they will continue to disregard the law in these matters. Easily implemented private right of action at the first offense would seem to be the most effective means of curbing those out-of-control

invaders of our privacy.

Paragraph 48

Some states have less restrictive, or differently focused, laws on this subject than the TCPA. Giving consumers the option of bringing action under either the federal or the state rule would allow for easier enforcement.

As to conflict between interstate and intrastate, all telemarketing is potentially interstate considering the random routing that all calls are subject to.

Paragraph 49

Whether a company-specific or national data base method is decided upon, the key to making it effective is an easily enforced private right of action in the hands of the people who are the most affected, and consequently the most motivated to take steps to enforce the provisions of the law.

GENERAL COMMENTS

When feasible, I have been recording telemarketing calls made to my residence phone for approximately six months. Many of them flatly refuse to say where they are calling from, or at least refuse to give the telephone number they are calling from. Of those who will give such information, a large percentage of them are calling from out of state. For this reason it would appear that the greatest consumer protection would come from a uniformly applicable national TCPA enforceable at the local level by the victims of unwanted calls. Telemarketers have demonstrated, in my personal experience, that they will continue to scoff at the law's provisions until such violation becomes economically prohibitive to them.